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Office of Communications, 455 Golden Gate Ave., San Francisco, CA 94102-3688
California Courts Infoline 800-900-5980, www.courts.ca.gov

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

April 19, 2013

Summary of Cases Accepted and Related Actions for Week of April 15, 2013

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#13-36 *California Charter Schools Assn. v. Los Angeles Unified School Dist.*, S208611. (B242601; 212 Cal.App.4th 689; Los Angeles County Superior Court; BC438336.) Petition for review after the Court of Appeal reversed an order in a civil action. Did the Court of Appeal adopt an incorrect methodology for determining what facilities a school district is required to afford to a charter school in accordance with Education Code section 47614?

#13-37 *People v. Shazier*, S208398. (H035423; 212 Cal.App.4th 520; Santa Clara County Superior Court; 210813.) Petition for review after the Court of Appeal reversed an order of commitment as a sexually violent predator. This case presents the following issue: Did the Court of Appeal correctly reverse the order of commitment in this case for prejudicial prosecutorial misconduct at a third commitment trial under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.)?

STATUS

#11-126 *People v. Vangelder*, S195423. The court directed the parties to file supplemental briefs addressing the effect, if any, of: (1) Health & Safety Code sections 100700 and 100701; (2) California Code of Regulations, title 17, sections 1221.2 [concerning performance standards for breath-alcohol analysis machines] and 1221.3 [concerning a “Conforming Products list” for approved breath-alcohol analysis machines]; and (3) 58 Federal Register 48705, 48707-48708 (Sept. 17, 1993) [“Model Specifications for Evidential Breath Testing Devices” - providing that no machine can meet federal standards unless it “measure[s] the alcohol content of deep lung breath with sufficient accuracy for evidential purposes”]; 72 Federal Register 71480, 71481-71483 (Dec. 17, 2007) [“Conforming Products List of Evidential Breath Measurement Devices”]

at time of trial]; 77 Federal Register 35747, 35748-35751 (June 14, 2012) [current “Conforming Products List of Evidential Breath Measurement Devices”].

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